

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed November 28, 2006. In order to advance prosecution of this case, Applicants amend Claims 1, 3-7, 9-13, 15-19, and 21-25. Applicants cancel Claims 2, 8, 14, and 20 without prejudice or disclaimer. Applicants respectfully request reconsideration and favorable action in this case.

Objection to the Specification

The Examiner objects to the Abstract because the Abstract exceeds 150 words. Applicants amend the Abstract to address the Examiner's objection.

Section 101 Rejections

The Examiner rejects Claims 1-25 because the claimed invention is allegedly directed to non-statutory subject matter. In particular, the Examiner alleges that Claims 1-25 do not provide a concrete and tangible result. Applicants respectfully traverse this rejection. Nonetheless, for purposes of advancing prosecution, Applicants amend Claims 1, 7, 13, 19, and 25.

The Examiner additionally rejects Claims 1-25 on the grounds that the specification allegedly fails to provide proper antecedent basis for the claimed subject matter. Applicants respectfully traverse this rejection. Nonetheless, for purposes of advancing prosecution, Applicants amend Claims 19-24.

Section 112 Rejections

The Examiner rejects Claims 3-5, 9-11, 15-17, and 21-23 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants respectfully traverse this rejection. Nonetheless, for purposes of advancing prosecution, Applicants amend Claims 3-5, 9-11, 15-17, and 21-23.

Section 102 Rejections

The Examiner rejects Claims 1-2, 5-8, 11-14, 17-20, and 23-25 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,718,550 issued to Lim et al. ("*Lim*"). Applicants respectfully traverse these rejections. Nonetheless, for purposes of advancing prosecution, Applicants amend Claims 1, 7, 13, 19, and 25. For example, as amended, Claim 1 recites:

A method of communicating data between a client and a server comprising:

initiating a participating application for transmitting packets between a client and a server, wherein the participating application participates in a transport protocol;

initiating a non-participating application for transmitting packets between the client and the server, wherein the non-participating application does not participate in the transport protocol;

determining whether a quad of a packet is in a list of non-participating connections to the server;

in response to determining that the quad of the packet is in the list, transmitting the packet on a non-participating path through the non-participating application; and

in response to determining that the quad of the packet is not in the list, transmitting the packet on a participating path through the participating application.

Amended Claim 1 includes certain elements that are substantially similar to elements of original Claim 2. The Examiner's rejection of Claim 2 is therefore addressed with respect to amended Claim 1. Moreover, Applicants respectfully note that *Lim* fails to recite, expressly or inherently, every element of amended Claim 1 for at least several reasons.

First, *Lim* fails to disclose "determining whether a quad of the packet is in a list of non-participating connections to the server." In addressing similar elements of original Claim 2, the Examiner referred to portions of *Lim* that merely discuss the use of a remote method table and a local method table to identify dispatch methods associated with client representations. *Office Action*, p. 6. In particular, the cited portion discloses only that:

In another aspect of the invention, a distributed client/server computing system is provided which includes a plurality of client representations, a remote method table and a local method table... In contrast, the local method table is arranged to identify local dispatch methods associated with a second set of the client representations. The local dispatch methods are arranged to cause invocation requests to pass to a servant without being routed through the

transport layer, thereby reducing the computing overhead associated with the invocation of local objects.

Col. 2, ll. 39-42, 51-57.

The cited portion of *Lim* does not however disclose “determining whether a quad of a packet is in a list of non-participating connections to the server.” The cited portion of *Lim* makes no reference whatsoever to any “quad,” nor does the cited portion disclose determining whether anything is “in a list of non-participating connections to [a] server.” Moreover, Applicants respectfully note that the Examiner has provided no basis or explanation for the Examiner’s assertion that “local method table corresponds to ‘a list of non-participating connections to the server.’” *Office Action*, p. 6. Thus, *Lim* fails to disclose “determining whether a quad of a packet is in a list of non-participating connections to the server” as required by Claim 1.

Second, because *Lim* fails to disclose “determining whether a quad of a packet is in a list of non-participating connections to the server,” *Lim* also fails to disclose any elements that include the limitation “in response to determining that the quad of the packet is in the list.” Thus, *Lim* also fails to disclose “in response to determining that the quad of the packet is in the list, transmitting the packet on a non-participating path through the non-participating application” and “in response to determining that the quad of the packet is not in the list, transmitting the packet on a participating path through the participating application” as required by amended Claim 1.

As a result, *Lim* fails to disclose every element of amended Claim 1. Claim 1 is thus allowable for at least these reasons. Applicants respectfully request reconsideration and allowance of Claim 1 and its dependents.

Although of differing scope from Claim 1, Claims 7, 13, 19, and 25 include elements that, for reasons substantially similar to those discussed with respect to Claim 1, are not disclosed by the cited reference. Claims 7, 13, 19, and 25 are thus allowable for at least these reasons. Applicants respectfully request reconsideration and allowance of Claims 7, 13, 19, and 25, and their respective dependents.

Applicants cancel Claims 2, 8, 14, and 20 without prejudice or disclaimer. With respect to all cancellations and amendments herein, Applicants respectfully note that Applicants reserve the right to pursue broader subject matter than that currently claimed through the filing of continuations and/or other related applications.

Section 103 Rejections

The Examiner rejects Claims 3, 4, 9, 10, 15, 16, 21 and 22 under 35 U.S.C. § 103(a) as being unpatentable over paper entitled "Transmission Control Protocol," RFC: 793 (hereinafter "RFC 793"). Claims 3 and 4 depend from Claim 1. Claims 9 and 10 depend from Claim 7. Claims 15 and 16 depend from Claim 13. Claims 21 and 22 depend from Claim 19. Claims, 1, 7, 13, and 19 have all been shown above to be allowable. Claims 3, 4, 9, 10, 15, 16, 21, and 22 are thus allowable for at least these reasons. Applicants respectfully request reconsideration and allowance of Claims 3, 4, 9, 10, 15, 16, 21, and 22.

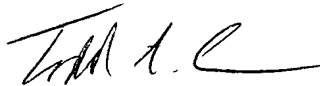
Conclusions

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending Claims. If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicants stands ready to conduct such a conference at the convenience of the Examiner.

The Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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